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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/798,648

03/11/2004

Jaime Brito

BRITO

6329

7590

03/10/2005

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EXAMINER

TA, THO DAC

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/798,648 | BRITO, JAIME | |
| | Examiner | Art Unit | |
| | Tho D. Ta | 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (2,134,623) in view of Yakovich (6,287,155).

In regard to claim 1, Rowe discloses a vehicle battery terminal comprising: battery pole engagement means configured for reversible engagement with a pole A of a vehicle battery; and cable engagement means 4 for connecting the battery terminal to a terminal length B of an electrical cable, the cable engagement means 4 includes a cable orifice which is sized and shaped for receiving therein the terminal length B of electrical cable, and further comprises a bolt 15 threadingly engaged with the cable engagement means whereby a terminal end 12 of the bolt 15 protrudes into the cable orifice for reversibly impinging on the terminal length B of the electrical cable.

However, Rowe does not disclose that the bolt 15 is a wing bolt having one or more lobes providing for hand actuation.

Yakovich discloses the wing bolt 40 having one or more lobes providing for hand actuation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe's invention by replacing the bolt 15 with a

wing bolt as disclosed by Yakovich in order to provide an easy handling/operating vehicle battery terminal without using tools.

In regard to claim 2, Rowe discloses that the battery pole engagement means is a second bolt 2 supported and positioned by the terminal for reversibly, threadingly engaging with a threaded receptacle pole of a side-pole battery.

However, Rowe does not disclose that the bolt 2 is a wing bolt.

Yakovich discloses the wing bolt 40 having one or more lobes providing for hand actuation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Rowe's invention by providing the bolt 2 with a wing as disclosed by Yakovich in order to provide an easy handling/operating vehicle battery terminal without using tools.

3. Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chartrain et al. (4,555,159) in view of Yakovitch

In regard to claim 3, Chartrain et al. discloses a vehicle battery terminal comprising: post-engagement means configured for reversible engagement with a vehicle battery post 14, the post-engagement means defining a post-reception aperture 16 and having clamping tab members 18 configured whereby, when the clamping tab members 18 are drawn closer together, the post-reception aperture 16 is reduced in size (see fig. 2), and when the clamping tab members 18 are spaced farther apart, the

post-reception aperture 16 is enlarged (see fig. 4); a post-securing cam assembly 40, 46 operatively engaged with the clamping tab members 18 of the post-engagement means, the post-securing cam assembly having actuator means 46 moveable between first and second positions, the post-securing cam assembly when in the first position (fig. 2) effecting a reduction in size of the post-reception aperture 16, and when in the second position (fig. 4) effecting an enlargement of the post-reception aperture 16 as compared with the size of the post-reception aperture 16 when the post-securing cam assembly is in the first position; and cable engagement means 34, 28 for connecting the battery terminal to a terminal length of an electrical cable 26.

However, Chartrain et al. does not disclose that the cable engagement means 34, 28 having one or more lobes providing for hand actuation.

Yakovich discloses the wing bolt 40 having one or more lobes providing for hand actuation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chartrain et al invention by replacing the bolt 34 with a wing bolt as disclosed by Yakovich in order to provide an easy handling/operating vehicle battery terminal without using tools.

In regard to claim 5, Chartrain et al. discloses that the cable engagement means includes a cable orifice 30 which is sized and shaped for receiving therein a terminal length of electrical cable, and further comprises a cable securing bolt member 34 which

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is threadingly engaged with the battery terminal whereby a terminal end of the cable securing bolt member, upon rotation thereof, reversibly impinges on the terminal length of said electrical cable when in the cable orifice 30.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCray (3,478,306) in view of Yakovitch.

In regard to claim 3, McCray discloses a vehicle battery terminal comprising: post-engagement means configured for reversible engagement with a vehicle battery post 14, the post-engagement means defining a post-reception aperture 38 and having clamping tab members 23, 40 configured whereby, when the clamping tab members 23, 40 are drawn closer together, the post-reception aperture 38 is reduced in size, and when the clamping tab members 23, 40 are spaced farther apart, the post-reception aperture 38 is enlarged; a post-securing cam assembly operatively engaged with the clamping tab members 23, 40 of the post-engagement means, the post-securing cam assembly having actuator means 30 moveable between first and second positions, the post-securing cam assembly when in the first position effecting a reduction in size of the post-reception aperture 38, and when in the second position effecting an enlargement of the post-reception aperture 38 as compared with the size of the post-reception aperture 38 when the post-securing cam assembly is in the first position; and cable engagement means 54, 56 for connecting the battery terminal to a terminal length 20 of an electrical cable 12.

However, McGray does not disclose that the cable engagement means 34, 28 having one or more lobes providing for hand actuation.

Yakovich discloses the wing bolt 40 having one or more lobes providing for hand actuation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chartrain et al invention by replacing the bolt 34 with a wing bolt as disclosed by Yakovich in order to provide an easy handling/operating vehicle battery terminal without using tools.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chartrain et al. and Yakovitch as applied to claim 3 above, and further in view of Winchester (2,152,832).

Chartrain et al. does not disclose that cable securing means 54, 56 which, upon actuation, reduces the cable orifice in size.

Winchester discloses that the cable engagement means 46 includes a cable orifice which is sized and shaped for receiving therein the terminal length 51 of electrical cable, and further comprises cable securing means 40, 42, wherein the cable securing means is a cam assembly 40-46 which, upon actuation, reduces the cable orifice in size for graspingly engaging the terminal length 51 of the electrical (see fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Chartrain et al invention by constructing

the cable securing means as disclosed by Winchester in order to provide a better grip to the terminal length of the cable.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


THO D. TA
PRIMARY EXAMINER